

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 15, 1990

ALL COUNTY LETTER NO. 90-26

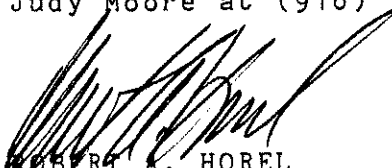
TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC HOMELESS ASSISTANCE

REFERENCE: MPP 44-211.5

This All-County Letter transmits a list of questions and answers (attached) about AFDC Homeless Assistance regulation interpretations. It was prepared in part to clarify policy interpretations which were provided at the Homeless Assistance workshops and also to provide answers to additional questions apart from the workshops.

If you have questions regarding the letter, please contact Judy Moore at (916) 324-2017 or ATSS 454-2017.


ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

QUESTIONS AND ANSWERS REGARDING HOMELESS ASSISTANCE

The first two questions and answers were the subject of discussion at the Homeless Assistance (HA) workshops. The other questions have been raised by individual counties during the past several months.

- 1) An Assistance Unit (AU) received Temporary Shelter (TS) payments in April 1988. The AU found Permanent Housing (PH) in October 1988 and requested a PH payment. Can a PH payment be issued six months after the TS payment was issued?

Yes. MPP 44-211.513(c) states that the incident of homelessness ends with the issuance of a PH payment. Therefore, an AU can receive one PH payment anytime during the incident of homelessness in a consecutive twelve-month period, as defined at MPP 44-211.513.

- 2) An AU received its first TS payment on March 3, 1988. On March 30, 1988, the AU received a PH payment. In 1989, the AU becomes homeless again. On what date are they entitled to TS and/or PH in 1989?

Renewed eligibility to HA (TS and/or PH), is tied to the date when the AU's incident of homelessness started in the prior year, the date of the first HA payment. In this case, the AU may be entitled to HA on March 3, 1989. The issuance of PH is not delayed until March 30, 1989, the date of the PH payment in 1988.

- 3) An AU, which consisted of a mother and her two children, received one TS payment in March 1988. Mother's case was discontinued in May 1988 because the children went to live with their father. In early July 1988 the children returned to live with their mother and are on aid again. Mother just found PH and has requested a PH payment. Does the AU's break in aid affect their eligibility to HA?

No. MPP 44-211.513 states that the AU can experience one incident of homelessness in a consecutive twelve-month period. The break in aid is irrelevant.

- 4) A mother and her child became homeless and were living in a battered women's shelter. They were allowed to stay there for up to thirty days. The shelter does not charge a fee. After the mother had been there for ten days, she and her child left. Are they entitled to HA since they had the option of staying in the shelter for another twenty days at no cost?

Yes. Because they are homeless (MPP 44-211.511) they are entitled to an HA payment at the point when they leave the shelter and incur, or will incur, a cost for shelter elsewhere. MPP 44-211.512 states that the AU may be considered homeless but is not entitled to an HA payment when the County Welfare Department (CWD) establishes that the AU has shelter at no cost. However, the CWD must not deny the issuance of an HA payment based on the availability of shelter at no cost when the AU is not staying at a cost-free shelter.

- 5) An AU has been living in a skid row motel off and on for the past year. Children's Services is insisting that they move due to the bad environment. The family was robbed last month. Is the AU eligible for HA?

Not until they meet the definition of "homeless" (MPP 44-211.511).

- 6) A homeless AU of two moved in with a friend on what was expected to be a temporary basis. The friend charged \$20/day. After two weeks, the friend (who owns her home) agreed that the AU could live there on a permanent basis if they could pay a \$400 security deposit for last month's rent and a \$50 utility deposit. Can PH be issued in this situation?

Yes, partially. The \$400 security deposit can be issued since the monthly rent is less than 80 percent of the AU's Maximum Aid Payment (MAP). However, the utility deposit amount is not an allowable cost because the utilities were turned on sometime in the past when the AU's friend assumed occupancy of the residence. MPP 44-211.533 covers only utility turn-on fees.

- 7) A homeless AU received a TS payment in April. On October 6th, the AU moved into an apartment, paying first month's rent and a security deposit of \$200. On October 20, they requested a PH payment to cover the cost of the security deposit. Are they eligible to a PH payment for the cost of the security deposit?

Not after having secured a residence. They must request HA while they are actually homeless and in need of the PH in order to secure housing. It is not available after a family has secured housing and moved in. This is based on the CWD's need to verify the rent amount at less than 80 percent of MAP (MPP 44-211.531) and to ensure that PH is only issued to those who need it in order to secure housing.

(NOTE: The only exception to this is contained in All-County Letter 88-55, Question and Answer #37, when a family secured housing over a weekend when the CWD was closed and the AU borrowed money in order to secure the residence.)

- 8) A recipient requested HA based on her statement that she was staying at a shelter. The CWD had reason to believe that she was not staying at the shelter, so referred the case to its fraud unit. The CWD would not approve her HA request without a finding from the fraud unit which might take several days. Was the CWD correct to delay action on the HA request?

No. The CWD should grant or deny the HA. Without evidence contrary to the recipient's statement, the HA should be granted and the CWD can continue to pursue the fraud investigation. If the recipient is found to have committed fraud, the HA payment(s) received would be considered an overpayment. When fraud is suspected, it is advisable to issue HA TS payments in increments covering less than seven days.

- 9) On April 1, a family applied for AFDC and HA. They received one week of TS based on their apparent eligibility, then did not show up for their intake interview on April 7. On April 8, they requested and received two more days of TS and had their intake interview rescheduled for April 10. Once again, the family failed to come to the interview. On April 11, the CWD took denial action on the application based on the family's failure to appear for the interview. On April 17, the family requested more TS. They participated in an intake interview on April 24 and were determined to be eligible. Is the AU's beginning date of aid affected?

No. The CWD should rescind the denial action and grant aid effective April 1, the date of the first HA payment (MPP 44-317.15).

- 10) Other than fraud, under what circumstances can an HA payment be considered an overpayment?

An overpayment is that amount of aid an AU receives to which it is not eligible (MPP 44-350.15). Accordingly, an overpayment for HA occurs when the CWD issues a greater amount of HA than the AU is entitled to. ACL 88-55, Questions & Answers 38-41, address some forms of HA overpayments. Additional examples follow:

- a) A PH payment is issued to an AU. The CWD discovers that the AU's monthly rent was actually greater than 80 percent

of MAP when PH was issued. There is an overpayment in this situation because PH is only available to AUs whose rent does not exceed 80 percent of MAP (MPP 44-211.531).

- b) A PH payment is issued to an AU. Weeks later, the CWD discovers that the AU did not move into the residence and is staying with friends. The PH payment is an overpayment because the AU did not utilize the PH payment for its intended purpose.
 - c) The CWD determines that an AU received an HA payment which it was not entitled to. The HA was in the form of a vendor payment. Issuance of an aid payment in the form of a vendor payment does not preclude the payment from being considered an overpayment. It was aid which was issued on behalf of the recipient even though it may have gone directly to a vendor. Unless the vendor returns the payment to the CWD, the case is overpaid. You may grant adjust to recoup the overpayment.
- 11) How is HA treated when the AU has a form of housing assistance other than AFDC available to them?

If another source of housing assistance, e.g., relocation funds, is available, the alternative housing assistance should be utilized to the extent possible for whatever items it covers, e.g., temporary shelter and/or permanent housing. If the AU has a housing need not met by the other source, then AFDC HA should be utilized to the extent needed. However, the CWD should not delay aid pending referral to other agencies to ascertain whether other forms of assistance are available.

- 12) Does the CWD have to accept a statement about the availability of PH from anyone (MPP 44-211.531), e.g., a tenant who may not have the legal authority to rent out an apartment?

No. The CWD may require a PH statement from only those who have the legal authority to rent property, e.g., legal owners and property managers.

- 13) How should the CWD handle a payment for PH when the AU will be involved in a subsidized housing situation?

The subsidizer may or may not pay the security deposit. Situations will likely vary. In order for the AU to assume occupancy, the CWD can make available up to 2 x 80 percent of MAP (44-211.532).

(See ACL 88-55, Question and Answer #36, regarding the treatment of subsidized situations with respect to the monthly rent in connection with the 80 percent of MAP amount.)